

# FEATHER RIVER



## LAND TRUST

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### Mission Statement

To conserve land in the Feather River region and steward its ecological and cultural values for current and future generations.

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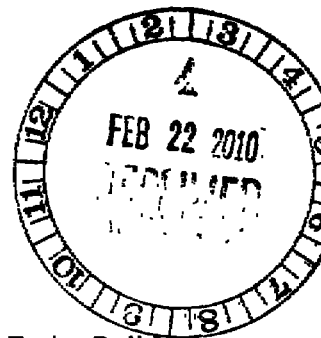
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## Protecting the Places that Make the Feather River Country Special

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February 19, 2010

Cynthia T. Brown  
Section Chief, Section of Administration, Room 1034  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Re: Almanor Railroad Company – Abandonment Exemption – Entire Rail Line in Plumas and Lassen Counties, CA. **STB Docket No. AB-1052X**

Dear Ms. Brown:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Feather River Land Trust, which is a private, non-profit organization, and is hereinafter referred to as "Commenter." The Feather River Land Trust is interested in the recreational, scenic, and conservation values of converting the Almanor Railroad to a public use trail.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition and an Interim Trail Use Condition, rather than an outright abandonment authorization for the entire 12.3 miles of rail line (between Milepost 0.0 at Chester in Plumas County to Milepost 12.3 near Clear Creek in Lassen County) as included in the STB Docket No. AB-1052X.

### A. Request for Public Use Condition:

Commenter asks the STB to find this property suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the Almanor Railroad Company from disposing the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is: the corridor would make an excellent recreational trail linking the communities of Chester, CA to Clear Creek, CA. The proposed recreational trail would then connect to the community of Westwood, which is the western terminus of the Bizz Johnson National Recreation Trail. The eastern terminus of the Bizz Johnson Trail is located in Susanville. The proposed trail would eventually link the communities of Chester, Clear Creek, Westwood, and Susanville along one continuous trail. The rail road corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with that end. The corridor is also located adjacent to the Volcanic Legacy Scenic Byway and crosses the north end of Lake Almanor. Its scenic and recreational values are rated high. Conversion of the property to trail use is in accordance with local plans to seek

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trail opportunities along abandoned rail lines that connect with existing trails. Finally, the corridor provides direct and traditionally-used access from the Chester public schools to important educational lands located along the North Fork Feather River.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this time in order to complete a feasibility study, assemble and review title information, organize and complete a trail plan, and commence negotiations with the Almanor Railroad Company.

2. An order barring removal or destruction of potential trail-related structures, such as bridges, trestles, culverts, and tunnels. The justification for this condition is: these structures have considerable value for recreational objectives. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

**B. Request for Interim Trail Use:**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public-use conditions sought above, Commenter also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. ~ 1247(d), and 49 CFR ~ 1152.29, the Feather River Land Trust is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by the Almanor Railroad Company.

The property, known as the Almanor Railroad Company, includes the entire 12.3 miles of rail line and extends from: (1) a rail line between Milepost 0.0 in Chester and the end of the track at Milepost 12.3 near Clear Creek Junction.

A map depicting the right-of-way (highlighted) is attached.

The Feather River Land Trust acknowledges that use of the right-of-way is subject to the user's continuance to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. The \$250.00 filing fee is enclosed.

By my signature below. I certify service upon Almanor Railroad Company, Mr. Terry Collins. PO Box 796, Chester, CA 96020, by U. S. Mail, postage pre-paid, first class, this 19<sup>th</sup> day of February, 2010.

Respectfully submitted on behalf of Feather River Land Trust,

  
Executive Director  
Feather River Land Trust

cc: Fritz R. Kahn, P.C., 1920 N Street, NW (8<sup>th</sup> Floor), Washington, DC, 20036

cc: Sharon Thrall, Chairperson, Plumas County Board of Supervisors, 520 Main St., Quincy, CA, 95971

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